

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

<b>IN THE MATTER OF:</b>	)	COMPLAINT NO. R9-2003-0149
	)	FOR
<b>CITY OF CORONADO GLORIETTA</b>	)	ADMINISTRATIVE CIVIL LIABILITY
<b>BAY PUMP STATION</b>	)	WITH
<b>GROUNDWATER EXTRACTION</b>	)	MANDATORY MINIMUM PENALTIES
	)	
<b>NONCOMPLIANCE WITH</b>	)	
<b><u>ORDER NO. 2000-90</u></b>	)	April 10, 2003

**THE CITY OF CORONADO IS HEREBY GIVEN NOTICE THAT:**

1. The City of Coronado is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (SDRWQCB) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, California Water Code (CWC), Section 13385 et seq.
2. A public hearing on this matter is tentatively scheduled before the SDRWQCB on May 14, 2003 at the San Diego Regional Water Quality Control Board Office, located at 9174 Sky Park Court, San Diego. The meeting will begin at 9:00 a.m. At the hearing, the City of Coronado will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the SDRWQCB. Additional notice of this public hearing will be provided to the City of Coronado prior to the hearing date with the agenda for the SDRWQCB meeting on that date.
3. At the hearing, the SDRWQCB will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

**ALLEGATIONS**

4. During the period from June 2002 through July 2002 the City of Coronado discharged waste groundwater extracted during the construction of the Glorietta Bay Pump Station in violation of Order No. 2000-90, NPDES No. CAG919001, *General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto*. These violations are due to effluent limit

exceedances of Total Coliform and Total Suspended Solids, as reported in the Discharger Self-Monitoring Reports during this time period.

5. The following facts are the basis for the alleged violations in this matter:

The City of Coronado is approved to discharge the effluent from its groundwater extraction during construction of the Glorietta Bay Pump Station project to San Diego Bay under the provisions of Order No. 2000-90. Table 1 (attached) summarizes the discharge limitations set forth in Order No. 2000-90 and the violations by the City of Coronado during the period in question.

6. Under California Water Code Section 13385(h) and (i), the amount of the mandatory minimum penalty that must be assessed is \$9,000, as determined by the following statutes:

- a. Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for the first serious violation and each additional serious violation in any period of six consecutive months, or, in lieu of the penalty, require the discharger to spend a portion of the assessment on a supplemental environmental project, or to develop a pollution prevention plan.

Two serious violations are assessed \$3,000 per violation, giving a total of \$6,000 in mandatory minimum penalties for the serious violations.

- b. Water Code Section 13385(i) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in any six-month period:

- Exceeds a waste discharge requirement effluent limitation.
- Fails to file a report pursuant to Water Code Section 13260.
- Files an incomplete report pursuant to Water Code Section 13260.
- Exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

The chronic violation of June 17, 2002 incurs a \$3,000 penalty, because there are three or more violations in the preceding 180-day period. One chronic violation was assessed, which carries \$3,000 in mandatory minimum penalties for this chronic violation.

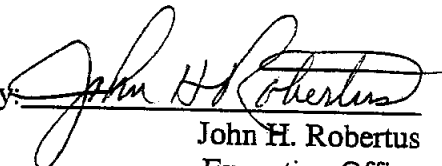
A total of three violations are assessed \$3,000 per violation, giving a total mandatory minimum penalty of \$9,000.

**PROPOSED CIVIL LIABILITY**

7. Pursuant to Section 13385 (h and i) of the California Water Code, mandatory minimum penalties should be imposed on the City of Coronado by the SDRWQCB in the amount of \$9,000, for the above violations.

Dated this 10th day of April 2003

By: \_\_\_\_\_

  
John H. Robertus  
Executive Office